

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA C. LOBBEN,

Defendant.

CASE NO. CR14-5396BHS

ORDER

This matter comes before the Court on the parties Stipulated Motion to Continue the Trial Date and Motion Response Date. The Court, having considered the stipulated motion, the affidavit of defense counsel in support of the motion and the Defendant's speedy trial waiver, makes the following findings of fact and conclusions of law:

1. The defense requires additional time to adequately assess the viability of a motion to suppress and the need for a *Franks* hearing.

2. The defense needs additional time to explore all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

1 3. Taking into account the exercise of due diligence, a continuance is necessary to allow  
2 the defendant the reasonable time for effective preparation his defense, to explore resolution of  
3 this case before trial and to ensure continuity of defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

4 4. Proceeding to trial absent adequate time for the defense to prepare would result in a  
5 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

6 5. The ends of justice served by granting this continuance outweigh the best interests of  
7 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

8 6. Defendant waived speedy trial through May 29, 2015.

9 NOW, THEREFORE, IT IS HEREBY ORDERED

10 That the trial date is continued from March 24, 2015, to May 19, 2015, at 9:00 a.m.;  
11 Pretrial Conference is set for May 11, 2015, at 3:30 p.m.; pretrial motions are due by April 23,  
12 2015. The resulting period of delay from February 12, 2015, to May 19, 2015, is hereby  
13 excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

14 Dated this 17<sup>th</sup> day of February, 2015.

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16 BENJAMIN H. SETTLE  
17 United States District Judge  
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